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C.M.P.No.20182 of 2024 in
S.A.SR.No. 26258 of 2023

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T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.8 of 2019, the petitioner preferred the above Second Appeal, however there is a delay of 482 days in representing the above second appeal arose. Hence, the present petition has been filed to condone the delay in representing the second appeal.

2. Mr.S.Selva Thirumurugan, learned counsel for petitioner submitted that the above Second Appeal was returned for rectifying certain defects, however, the paper was misplaced with other bundles and it could not be traced immediately. Thereafter, after due search, it was traced out, however, there is a delay of 482 days arose in representing the above second appeal and the said delay caused is neither willful nor wanton, but for the above said reasons. Accordingly, he has filed the above petition.



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3. Mr.V.Umapathy, learned counsel for respondent appeared and raised objections in allowing this petition stating that no sufficient reasons stated for condoning the delay.

4. Considering the facts and circumstances and on considering the reasons stated by the petitioner in the affidavit that the bundle was misplaced, to give one more opportunity to the petitioner, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.3000/- (Rupees three thousand only) payable to the learned counsel for respondent within a period of one week from the date of receipt of copy of this order and on such deposit, Registry is directed to number the above Second Appeal if it is otherwise found to be in order and post the matter on 20.11.2024.

08.11.2024

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